

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JHONNY DARIO LEMUS,

Case No. 2:14-CV-1381 JCM (NJK)

Plaintiff(s),

ORDER

V.

ROBERT JAMES OLAVESON, et al.,

Defendant(s).

Presently before the court is plaintiff Jhonny Dario Lemus's emergency motion to continue trial. (ECF No. 83). Defendants have not filed oppositions.

After plaintiff's previous counsel was disqualified, the court continued the trial in this matter approximately sixty days to its current setting: August 22, 2016. (See ECF No. 79). Plaintiff promptly retained new counsel. (See ECF No. 83 at 1). Counsel represents that he and his firm have been preparing diligently for trial on the August date. (*Id.*) However, counsel indicates that he recently learned that two of plaintiff's key witnesses will be unavailable the week of trial due to scheduled travel outside the district. (*Id.*)

Plaintiff asserts that both witnesses are necessary to the presentation of his case and that he would be prejudiced by proceeding to trial in their absence. This is plaintiff's current counsel's first request for a continuance. (*Id.* at 8). Further, plaintiff represents that he will not request any further continuances. (*Id.*)

District courts have broad discretion over whether to grant a continuance. *Danjang LLC v. Sony Corp.*, 263 F.3d 942, 961 (9th Cir. 2001). The court finds that plaintiff would be prejudiced by denial of the continuance. Good cause thus exists to grant the continuance. *See id.* The court's schedule, however, will not permit a trial beginning on October 10, 2017, the date proposed by

1 plaintiff. Instead, the trial will be set for October 31, 2016, at 9:00 a.m. with a calendar call on
2 October 26, 2016, at 1:30 p.m.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff Jhonny Dario
5 Lemus's emergency motion to continue trial (ECF No. 83) be, and the same hereby is, GRANTED.

6 IT IS FURTHER ORDERED that the trial currently set for August 22, 2016, at 9:00 a.m.
7 be, and the same hereby is, CONTINUED to **October 31, 2016, at 9:00 a.m.**

8 IT IS FURTHER ORDERED that the calendar call currently set for August 17, 2016, at
9 1:30 p.m. be, and the same hereby is, CONTINUED to **October 26, 2016, at 1:30 p.m.**

10 DATED July 27, 2016.

11 
12 UNITED STATES DISTRICT JUDGE

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